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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 MARBIN RAMIREZ-RODAS,
15 Defendant.

Case No. 2:20-mj-01038-NJK-1

**STIPULATION TO CONTINUE
PRELIMINARY HEARING**
(First Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Raquel Lazo, Assistant Federal Public Defender, counsel for Marbin Ramirez-Rodas, that
21 the Preliminary Hearing currently scheduled on December 23, 2020 at 4:00 pm, be vacated and
22 continued to a date and time convenient to the Court, but no sooner than forty-five (45) days.
23 This request requires that the Court extend two deadlines: (1) that a preliminary hearing be
24 conducted within 14 days of a detained defendant's initial appearance, see Fed. R. Crim. P.
25 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest,
26 see 18 U.S.C. § 3161(b).

1 This Stipulation is entered into for the following reasons:

2 1. The parties are working to resolve this matter pre-indictment.

3 2. Defense counsel also requires additional time to meet and confer with
4 Mr. Ramirez-Rodas, to review the discovery, and investigate potential defenses to make an
5 informed decision as to how to proceed.

6 3. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
7 preliminary hearing within a reasonable time, but no later than 14 days after the initial
8 appearance if the defendant is in custody”

9 4. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
10 showing of good cause—taking into account the public interest in the prompt disposition of
11 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times
12”

13 5. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
14 information or indictment charging an individual with the commission of an offense shall be
15 filed within thirty days from the date on which such individual was arrested or served with a
16 summons in connection with such charges.”

17 6. Defendant is in custody and agrees to the extension of the 14-day deadline
18 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C. §
19 3161(b), provided that the information or indictment is filed on or before the date ordered
20 pursuant to this stipulation.

21 7. The parties agree to the extension of that deadline.

22 8. Additionally, denial of this request for continuance could result in a miscarriage
23 of justice.

24 9. Accordingly, the additional time requested by this stipulation is allowed under
25 Federal Rule of Criminal Procedure 5.1(d).

1 10. In addition, the parties stipulate and agree that the time between today and the
2 scheduled preliminary hearing is excludable in computing the time within which the defendant
3 must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18
4 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and
5 (iv).

6 This is the first request for an extension of the deadlines by which to conduct the
7 preliminary hearing and to file an indictment.

8 DATED this 18th day of December, 2020.

9
10 RENE L. VALLADARES
11 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

12 /s/ Raquel Lazo
13 By _____
14 RAQUEL LAZO
15 Assistant Federal Public Defender

/s/ Kimberly M. Frayn
By _____
KIMBERLY M. FRAYN
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 MARBIN RAMIREZ-RODAS,

7 Defendant.

Case No. 2:20-mj-01038-NJK-1

ORDER

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10 Based on the Stipulation of counsel and good cause appearing,

11 IT IS THEREFORE ORDERED that the Preliminary Hearing currently scheduled on
12 December 23, 2020 at the hour of 4:00 p.m., be vacated and continued to February 16, 2021,
13 at 4:00 p.m.

14 DATED this 18th day of December, 2020.

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17 UNITED STATES MAGISTRATE JUDGE
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